

Exhibit B



Susana Martinez, Governor
Sidonie Squier, Secretary

June 24, 2013

CERTIFIED MAIL

Roque Garcia CEO
Southwest Counseling Center
100 W. Griggs Avenue
Las Cruces,, New Mexico 88001

RE: New Mexico Payment Suspension of Provider TIN # 850204142, and all corresponding provider numbers.

Dear Roque Garcia CEO,

The New Mexico Medicaid agency, the Human Services Department (HSD), has determined as a preliminary matter that there is a credible allegation of fraud involving your organization for which a law enforcement investigation is pending. Therefore, HSD must suspend Medicaid, non-Medicaid (Behavioral Health Collaborative services), and State Coverage Insurance (SCI) payments paid to you issued through OptumHealth New Mexico and/or the New Mexico Medicaid Program, including its SCI managed care organizations, effective immediately. This action is taken pursuant to 42 C.F.R. §455.23(a)(1), which mandates that, "[t]he State Medicaid agency must suspend all Medicaid payments to a provider after the agency determines there is a credible allegation of fraud for which an investigation is pending under the Medicaid program against an individual or entity". In addition and for purposes of this letter, HSD has accepted this mandate for non-Medicaid payments provided through the Behavioral Health Collaborative and the SCI managed care organizations.

The check withhold is temporary, as stated in paragraph (c) of 42 C.F.R. 455.23, and only until: (1) The prosecuting authorities determine that there is insufficient evidence of fraud or alleged fraud or willful misrepresentation by the provider; or (2) Legal proceedings related to the provider's alleged fraud or willful misrepresentation are completed.

HSD received an allegation of suspicious activity related to the services provided and/or claims submitted by your provider organization. Accordingly, HSD retained the services of an outside contractor, Public Consulting Group Inc. who conducted a preliminary investigation and presented to HSD sufficient information to warrant the referral for a full investigation by law enforcement officials. Consequently, HSD referred this case to the Medicaid Fraud Control Unit (MFCU) of the New Mexico Attorney General's Office (see 42 C.F.R. §455.23(d)). Any further investigation and/or subsequent proceedings related to the allegation(s) will be directed by MFCU. Therefore, please be advised that any and all inquiries regarding the allegation of fraud originally received by HSD must now be directed to MFCU.

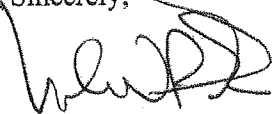
HSD is prohibited from disclosing the specific nature of the allegations due to the pending investigation by MFCU. However, as a general matter, the allegation involves activities over the past three years involving inappropriate use of various CPR codes, unbundling of professional services, and the possible use of deception to obtain an unauthorized benefit from the Medicaid, Collaborative and SCI programs.

Pursuant to 42 C.F.R. §455.23 (e) and (f), "Good cause" to release a check withhold in whole or in part may be determined at the discretion of HSD. HSD will consider a finding of "good cause" where:

1. MFCU requests the release of a check withhold or declines to pursue the case;
2. A release in whole or in part is in the best interest of the Medicaid program;
3. Other remedies more quickly or effectively protect Medicaid funds (ex. posting of a bond);
4. Recipient access to items or services would be jeopardized because: (a) the provider is the sole source of services in the community, or (b) the provider serves a large number of recipients in an underserved area;
5. [only for consideration of a partial release] The allegation is solely related to a specific type of claim or a specific business unit of the provider; or
6. Written evidence submitted by the provider supports the release of a check withhold.

You may request an administrative record review within 20 calendar days of receipt of this notice to request a partial or whole good cause exception to the check hold. Enclosed is a Good Cause Request Form to submit for consideration of a "good cause" exception to release the check withhold in whole or in part. The written request must include a copy of this letter and any supporting evidence or additional documentation for reconsideration by the agency.

Sincerely,



Mark Pitcock
Deputy Director
Medical Assistance Division
Human Services Department

cc: Elizabeth Martin, CEO OptumHealth New Mexico
Raymond Mensack, HSD Chief General Counsel
Larry Heyeck, HSD General Counsel
Julie Weinberg, MAD Director
Jody Curran, AG, MFCU Director
Everet Apodaca, MAD PI Unit Manager
Robert Stevens, MAD/PPIB Bureau Chief
Diana McWilliams, HSD/NMBHSD/BHC
Miguel Ulibarri, MAD/PIIB

Encl.: Good Cause Request Form

attachment

GOOD CAUSE REQUEST
for Release of a Check Withhold

Southwest Counseling Center
100 W. Griggs Avenue,
Las Cruces,, New Mexico, 88001
TIN: 850204142

Please check the conditions of good cause that support a whole or partial release of a check withhold and briefly describe the supporting documents you've enclosed related to each circumstance:

- ☐ MFCU requests the release of a check withhold or declines to pursue the case

- ☐ A release in whole or in part is in the best interest of the Medicaid program

- ☐ Other remedies more quickly or effectively protect Medicaid funds (ex. bond posted)

- ☐ Recipient access to items or services would be jeopardized because: (a) the provider is the sole source of services in the community, or (b) the provider serves a large number of recipients in an underserved area

- ☐ [Only for consideration of a partial release] The allegation is solely related to a specific type of claim

or a specific business unit of the provider

☐ Written evidence submitted by the provider supports the release of a check withhold

By signing below I certify that the information I have provided herein is true and correct.

Signature of Authorized Representative

____/____/____
(Date)

Printed Full Name

Title

[Faint, illegible handwritten signatures and text are visible in this area.]